

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 12.6.2204, 12.6.2208, and ) PROPOSED AMENDMENT  
12.6.2215 pertaining to exotic species )  
classification )

TO: All Concerned Persons

1. On June 24, 2015, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than June 12, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

12.6.2204 SPECIFIC REQUIREMENTS FOR CARE AND HOUSING OF EXOTIC WILDLIFE (1) remains the same.

(2) Coho salmon, *oncorhynchus kisutch*, and Pacific White Shrimp, *Penaeus (Litopenaeus) vannamei*, may only be raised for commercial activities.

(a) Coho salmon and Pacific White Shrimp must be raised in a facility that:

(i) through (vii) remain the same.

(b) Live ~~fish~~ animals listed under this section may not be transferred into or out of the facility.

(c) through (e) remain the same.

(f) Imported shrimp must be certified specific pathogen free.

(3) remains the same.

AUTH: 87-5-702, 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

12.6.2208 LIST OF CONTROLLED SPECIES (1) remains the same.

(2) The following crustaceans are classified as controlled species:

(a) Pacific White Shrimp – *Penaeus (Litopenaeus) vannamei*.

(2) and (3) remain the same but are renumbered (3) and (4).

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

12.6.2215 LIST OF PROHIBITED SPECIES (1) through (3) remain the same.

(4) The following mammals are classified as prohibited species:

(a) African Soft Fur Rat/Natal Rat – *Mastomys natalensis*/Natal *multimammate* mouse;

(a) through (g) remain the same but are renumbered (b) through (h).

(i) Natal Rat/African Soft Fur Rat – *Natal multimammate* mouse/*Mastomys natalensis*;

(h) through (m) remain the same but are renumbered (j) through (o).

(5) through (7) remain the same.

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-707, 87-5-708, 87-5-711, 87-5-712, MCA

REASON: The commission has authority to adopt rules regarding the importation, possession, and sale of exotic wildlife as recommended by the "classification review committee" (committee). The committee may recommend that a species be classified as noncontrolled, controlled, or prohibited for importation, possession, and sale to protect Montana's native wildlife and plant species, livestock, horticultural, forestry, agricultural production, and human health and safety from the harmful effects of unregulated exotic animals. If the commission approves the committee's recommendations, the commission begins administrative rulemaking to incorporate the recommendations into the classification lists.

The commission is proposing adding Pacific White Shrimp to the list of controlled species and African Soft Fur Rat/Natal Rat to the list of prohibited species. The risks associated with the Pacific White Shrimp can be minimized by maintaining them within contained systems with no connection to open water. Additionally, the importation of disease-free stock will help to minimize the risk of introduction of new pathogens to the state. The potential risks associated with the African Soft Fur Rat warrant the listing on the prohibited list. Rodent species are highly adaptable; very little information exists on the African Soft Fur Rat although it is conceivable that feral populations could exist in Montana. Eradication of feral populations would be very unlikely. Additionally, *Mastomys* species are known to be reservoirs of pathogens that would infect humans including Lassa Fever and the plague.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks, Fisheries Division-Exotics, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail [fwpexotics@mt.gov](mailto:fwpexotics@mt.gov), and must be received no later than July 2, 2015.

5. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to: Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

/s/ Dan Vermillion  
Dan Vermillion  
Chairman  
Fish and Wildlife Commission

Certified to the Secretary of State May 18, 2015.